

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,

Plaintiff,

No. CIV S-02-02645 ALA P

vs.

D. L. RUNNELS, et. al.,

Defendants.

ORDER

Plaintiff Gregory L. Brown is a California state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 for alleged violations of his rights guaranteed by the First and Eighth Amendments of the United States Constitution and his rights under the Americans with Disabilities Act.

On January 14, 2008, this court denied plaintiff's November 29, 2007, motion for a temporary restraining order and preliminary injunction. On January 28, 2008, plaintiff filed a motion for reconsideration.

A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). *See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Id.* at 1263

1 Plaintiff's motion presents no argument that there is newly discovered evidence, that the
2 court committed clear error or that the decision was manifestly unjust or that there has been an
3 intervening change in controlling law. As such, plaintiff's motion will be denied.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's January 28, 2008, motion for
5 reconsideration is DENIED.

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7 DATED: January 30, 2008

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9 /s/ Arthur L. Alarcón
10 UNITED STATES CIRCUIT JUDGE
11 Sitting by Designation
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